

AMENDED IN ASSEMBLY JANUARY 9, 2012

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 909**

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**Introduced by Assembly Member Alejo**

February 17, 2011

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An act to add Article 11.6 (commencing with Section 49566) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil nutrition.

### LEGISLATIVE COUNSEL'S DIGEST

AB 909, as amended, Alejo. Pupil nutrition: Farm to School Program.

~~(1) Existing~~

*Existing* law requires the State Department of Education to ensure that the nutrition levels of meals served to schoolage children pursuant to the *federal* National School Lunch Act be of the highest quality and greatest nutritional value possible.

This bill would ~~require that at least~~ *authorize a school district to submit an application to the State Department of Education for funding under the Farm to School Program if 80% of the school district's expenditure for fresh produce a school district purchases for use in its food service program be is derived from* California produce, as defined. ~~This requirement would impose a state-mandated local program on school districts.~~ The bill would require the State Department of Education to reimburse a school district that purchases California produce in the prescribed quantity \$0.05 for every meal the district serves as part of the *federal* National School Lunch or School Breakfast Programs. The bill would require the Department of *Food and*

Agriculture to consult with the State Department of Education for the purpose of assisting school districts with meeting the California produce requirement, identify the *seasons*, sources, and suppliers of California produce, ~~develop strategies for school districts to use that would result in more California produce use in school meal programs~~, and help small farmers collaborate with one another to supply the large quantities of produce demanded by school districts. *The bill would require the State Department of Education to develop strategies for school districts that would result in more California produce use in school meal programs.* The bill would authorize the State Board of Education to adopt any rules and regulations necessary for the implementation of this program.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 11.6 (commencing with Section 49566)  
2 is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the  
3 Education Code, to read:

4  
5 Article 11.6. Farm to School Program

6  
7 ~~49566. At least 80 percent of the fresh produce a school district~~  
8 ~~purchases for use in its food service program shall be California~~  
9 ~~produce.~~

10 49566. (a) *If 80 percent of a school district's expenditure for*  
11 *fresh produce for use in its food service program is derived from*  
12 *California produce, the school district may submit an application*  
13 *to the department for funding under the Farm to School Program.*  
14 *The school district shall certify in the application that it has*  
15 *complied with the requirements of this section.*

1     (b) *The department shall reimburse an eligible school district*  
2     *five cents (\$0.05) for every meal the district serves as part of the*  
3     *federal National School Lunch or School Breakfast Programs.*

4     (c) *A school district shall expend the funds received pursuant*  
5     *to this section to purchase California produce.*

6     ~~49566.1. (a) If a school district purchases California produce~~  
7     ~~in the quantity prescribed in Section 49566, the department shall~~  
8     ~~reimburse the school district five cents (\$0.05) for every meal the~~  
9     ~~district serves as part of the National School Lunch or School~~  
10    ~~Breakfast Programs.~~

11    ~~(b) A school district shall expend the funds received pursuant~~  
12    ~~to this section to purchase California produce.~~

13    ~~49566.2.~~

14    49566.1. For the purpose of implementing this article, the  
15    department may accept contributions of money and assistance  
16    from any public or private source and agree to conditions placed  
17    on the contributions if those conditions are not inconsistent with  
18    the duties of the department.

19    ~~49566.3.~~

20    49566.2. The Department of *Food and Agriculture* shall consult  
21    with the department for the purpose of assisting school districts  
22    with meeting the requirement set forth in Section 49566 and shall  
23    do all of the following to provide that assistance:

24    (a) Identify the *seasons*, sources, and suppliers of California  
25    produce.

26    ~~(b) Develop strategies for school districts to use, including~~  
27    ~~forward contracting and negotiating competitive prices, that would~~  
28    ~~result in more California produce use in school meal programs.~~

29    ~~(c)~~

30    (b) Help small farmers collaborate with one another to supply  
31    the large quantities of California produce demanded by school  
32    districts.

33    49566.3. *The department shall develop strategies for school*  
34    *districts, including forward contracting and negotiating competitive*  
35    *prices, that would result in more California produce use in school*  
36    *meal programs.*

37    49566.4. The *state* board may adopt any rules and regulations  
38    necessary for the implementation of this article.

39    49566.5. For purposes of this article, "California produce"  
40    means ~~produce that has been produced in California or harvested~~

1 ~~in its surface or coastal waters~~ *fruits, vegetables, and nuts grown*  
2 *in California, as defined in Section 43100 of the Food and*  
3 *Agricultural Code.*

4 ~~SEC. 2. If the Commission on State Mandates determines that~~  
5 ~~this act contains costs mandated by the state, reimbursement to~~  
6 ~~local agencies and school districts for those costs shall be made~~  
7 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
8 ~~4 of Title 2 of the Government Code.~~

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